

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 OLD REPUBLIC TITLE, LTD.,

11 Plaintiff,

12 v.

13 TROY X. KELLEY, et al.,

14 Defendants.

CASE NO. C10-0038JLR

ORDER DENYING MOTION TO
SEAL

15 Before the court is Defendants' unopposed motion for redaction in filed
16 documents and/or sealing (Dkt. # 141). The court has reviewed the motion and the
17 attached declaration filed by Troy X. Kelley and for the reasons stated below DENIES
18 the motion (Dkt. # 141).

19 This case involves allegations that Mr. Kelley and others failed to refund unearned
20 reconveyance fees to Old Republic Title's ("ORT") customers. In briefing filed with the
21 court, ORT accuses Mr. Kelley of all forms of wrongdoing including misappropriation of
22 customer funds, lying, fraudulently transferring funds, intentional spoliation of evidence,

1 | shady business schemes, tax evasion, and hiding from creditors. (Mot., Ex. A at 9.) Mr.
2 | Kelley requests that documents relating to these allegations be sealed as they may subject
3 | Mr. Kelley to annoyance, embarrassment and harm to his legislative career. (Kelley
4 | Decl. (Dkt. # 142) ¶ 11; Proposed Order (Dkt. # 141-2) ¶ 6.) Mr. Kelley also identifies
5 | various documents that he claims contain tax returns, bank statements and personnel
6 | payroll information that should be protected from public disclosure. (Proposed Order ¶
7 | 4.)

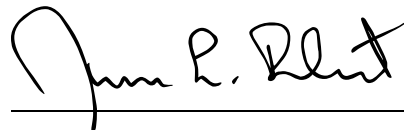
8 | As to the latter category of documents, the court has reviewed the docket entries
9 | identified by Mr. Kelley as containing confidential financial information and other
10 | personal identifying information and cannot find any violations of the court's rules
11 | regarding the redaction of personal data identifiers. *See* Local Rules W.D. Wash. CR 5.2
12 | (requiring redaction of personal data identifiers such as dates of birth, names of minor
13 | children, social security and taxpayer identification numbers, financial accounting
14 | information to the last four digits, passport numbers and driver license numbers).
15 | Therefore, the court denies the motion to seal docket numbers 25, 26, 27, 28, 50, 57, 59,
16 | and 69 (the Amended Complaint filed on January 19, 2011) on the basis that they contain
17 | personal confidential information.

18 | As to Mr. Kelley's request to seal documents that may subject him to annoyance,
19 | embarrassment or harm to his political career, the court finds that these bases do not
20 | overcome the strong presumption of public access to the court's files. *See* Local Rules
21 | W.D. Wash. CR 5(g)(2). "In this circuit, we start with a strong presumption in favor of
22 | access to court records." *Folz v. State Farm Mut. Auto Ins. Co.*, 331 F.3d 1122, 1135

1 (9th Cir. 2003); *see also Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1179
2 (9th Cir. 2006). The Ninth Circuit teaches that “[t]he mere fact that the production of
3 records may lead to a litigant’s embarrassment, incrimination, or exposure to further
4 litigation will not, without more, compel the court to seal its records.” *Kamakana*, 447
5 F.3d at 1179 (affirming district court’s decision not to seal records that might, among
6 other things, cast police officers in a false light). Accordingly, the court denies Mr.
7 Kelley’s motion to seal the remaining requested documents on the basis that they will
8 harm his political career or cause him embarrassment.

9 For the above reasons, the court DENIES Defendants’ motion to redact or seal
10 documents in the court’s file (Dkt. # 141).

11 Dated this 1st day of June, 2011.

12
13 

14 JAMES L. ROBERT
15 United States District Judge
16
17
18
19
20
21
22